



## SAINT JOHN

### PLANNING ADVISORY COMMITTEE TUESDAY, MARCH 20, 2012

The regular meeting of the Planning Advisory Committee was held in the Council Chamber, Lobby Level.

#### **PRESENT**

Eric Falkjar	Chairman
Erik Kraglund	
Gerry Lowe	
Morgan Lanigan	
Donald Gillis	
Anne McShane	
Andrew Miller	
Michael Whelton	
Dave Drinnan	

Ken Forrest	Commissioner
Mark Reade	Senior Planner
Mark O'Hearn	Planning Officer
Lynda Lockhart	Recording Secretary

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The Chair advised that the applicant for 75 Consumers Drive had requested the variance application be withdrawn, and further that the applicant for a variance application at 76 Catherwood Street had also requested late last week that their application be withdrawn.

#### **Item 1: Minutes**

*It was MOVED and SECONDED that the minutes of the February 21, 2012 meeting be adopted as amended.*

**CARRIED**

**ML/MW**



**Item 3: Michiko Gehrig**  
**549 Millidge Avenue**

Proposal: To establish an animal hospital within the existing building

Type of Application: Rezoning, conditional use and variances to:

- a) Reduce the minimum required parking from 11 parking spaces to 7 parking spaces;
- b) Increase the maximum permitted area for a freestanding sign from 0.6 square metres to 4 square metres.

Mark Reade advised the application is to rezone the property from “IL-1” Neighbourhood Institutional to “SZ-17” Special Zone #17 which will permit an animal hospital in the existing building, as well as a Conditional Use to permit the animal hospital and variances to reduce the minimum required parking, and to increase the maximum permitted area for a free standing sign. Staff is recommending approval subject to conditions as outlined in the staff report.

Michiko Gehrig appeared before the Committee and indicated she was in agreement with the recommendations as outlined in the staff report with the exception of one amendment that she would like to employ two veterinarians at the animal hospital in the future, and further that 10 parking spaces would be provided on the site.

Staff was agreeable to the above noted changes to the recommendation.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations, discussions, and the applicant’s request, the Committee resolved to amend the recommendation as follows:

*It was MOVED and SECONDED*

1. *That Common Council rezone a parcel of land with an area of approximately 1,830 square metres, located at 549 Millidge Avenue, also identified as PID No. 0041558, from “IL-1” Neighbourhood Institutional to “SZ-17” Special Zone #17.*
2. *That, pursuant to the provisions of Section 39 of the Community Planning Act, the proposed rezoning of a parcel of land with an area of approximately 1,830 square metres, located at 549 Millidge Avenue, also identified as PID No. 0041558, be subject to the following conditions:*
  - a. *That only two veterinarians be employed at the animal hospital;*

- b. *That the use of the site for boarding and kenneling remain incidental to the main use of the site as an animal hospital.*
  - c. *That the site be developed in conformity with a detailed landscaping plan to be prepared by the applicant and subject to the approval of the Development Officer. The detailed landscaping plan must include fencing to be installed at the rear of the site, landscaping, and signage to be installed at the front of the site.*
  - d. *That the site be developed in conformity with a detailed parking plan to be prepared by the applicant and subject to the approval of the Development Officer. The detailed parking plan must include the minimum dimensions required by the Zoning Bylaw, as well as curbing and landscaping where appropriate.*
  - e. *That the detailed landscaping and parking plans noted above be approved prior to the issuance of any building or occupancy permits for the proposed use and attached to any application for building or occupancy permits.*
3. *That the Planning Advisory Committee impose no additional terms and conditions on the establishment and operation of an animal hospital on the subject site.*
  4. *That the Planning Advisory Committee approve the requested variances to:*
    - a. *increase the maximum permitted sign area from 0.6 square metres to 4 square metres*

**CARRIED**

**ML/MW**

**Item 4: Hughes Surveys & Consultants Inc.  
895 Ashburn Road (rear)**

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Proposal: To rezone a portion of 885 Ashburn Road containing an existing storage yard and consolidate it through subdivision with the property at 895 Ashburn Road

Type of Application: Rezoning

One letter in opposition to the application was received.

Stacey Forfar advised the application is to rezone a portion of the subject site containing an existing storage yard and consolidate it through subdivision with the property at 895 Ashburn Road and indicated that staff is recommending approval.

Richard Turner of Hughes Surveys & Consultants Inc. appeared before the Committee on behalf of the applicant and indicated he was in agreement with the recommendations as contained in the staff report.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED*

1. *That Common Council rezone a parcel of land having an area of approximately 3,728 square metres, located to the rear of 895 Ashburn Road, also identified as being part of PID No. 00296673, from "RF" Rural to "I-1" Light Industrial.*
2. *That, pursuant to the provisions of Section 39 of the Community Planning Act, the proposed development of the parcel of land with an area of approximately 3,728 square metres, located to the rear of 895 Ashburn Road, also identified as being part of PID 00296673, be subject to the following conditions:*
  - a. *Any future development of the site be in accordance with a detailed site plan, to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas, driveways, loading areas, outdoor storage areas, landscaped areas and other site features.*
3. *That Common Council not give third reading to the proposed rezoning until all outstanding issues identified by the Building Inspector with respect to the property at 895 Ashburn Road (PID 00448290) have been resolved to the satisfaction of the Building Inspector.*

**CARRIED**

**DG/GL**

**Item 5:           City of Saint John**  
**85 Riverview Drive**

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Proposal:                   To construct a utility service building (wastewater pumping station)

Type of Application: Conditional Use and Variance to reduce the minimum required landscaping width around the proposed building from 1.5 metres to nil.

One letter and an email expressing concerns were received.

Mark Reade advised the application is for a conditional use to permit a wastewater pumping station as well as a variance to reduce the minimum landscaping. Staff is recommending approval subject to conditions.

Paul Wilson, Real Estate Officer with the City of Saint John appeared before the Committee appeared before the Committee on behalf of the applicant and indicated he was in agreement with the recommendations as contained in the staff report. In response to the above noted letter/email received, Mr. Wilson advised that he and the Project Engineer had met with the neighbours and feel they have resolved the concerns expressed.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED*

*1) That the Planning Advisory Committee impose the following conditions on the proposed sanitary lift station:*

- (a) The lift station must be developed and maintained in accordance with detailed site and building elevation plans approved by the Development Officer; and*
- (b) The stormwater drainage for the site must be developed and maintained in accordance with a detailed stormwater drainage plan and design brief approved by the Chief City Engineer or his designate.*

*2) That the Planning Advisory Committee grant the requested variance to reduce the minimum required landscaping width around the proposed building from 1.5 metres to nil in order to facilitate the establishment and operation of a utility service building (wastewater pumping station) on the subject site.*

**CARRIED**

**GL/AMcS**

**Item 6: 512531 NB Ltd.**  
**554 Woodward Avenue**

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Proposal: To undertake a further phase of the Cedar Point Anchorage Subdivision involving 37 serviced lots along public streets

Type of Application: Subdivision and Variance that would allow a four way intersection within a new residential subdivision when only T-intersections are permitted.

Two letters opposed and/or expressing concerns to the application were received.

Mark O’Hearn advised the application is for a subdivision to carry out another phase of 37 serviced residential lots (seven of the lots were approved earlier). The application is in conformity with PlanSJ and is consistent with the requirements of Zoning and Subdivision By-laws except for a Variance to allow for the possibility of a 4-way intersection if needed. Staff is recommending approval.

Ladds Batten appeared before the Committee on behalf of the applicant and indicated he was in agreement with the recommendations as contained in the staff report and commended staff for a well-written report. Mr. Batten addressed the concerns with respect to traffic, maintenance of the subdivision and water drainage.

Discussion ensued with regard to storm water drainage, sidewalks and a secondary street access.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED that the Planning Advisory Committee:*

*1. That Common Council assent to one or more subdivision plans, in one or more phases, in general accordance with the submitted Cedar Point Anchorage Subdivision, Phase 8 tentative plan, as well as to any necessary municipal services and/or public utility easements, but with the following further modification and assent:*

- *That as part of the initial phase that a Future Street right of way with a width of 23.1 metres is shown on the final subdivision plan between the existing Future Street parcel abutting Cedarwood Drive (PID No. 55157549) and the existing 20 metre wide parcel (PID No. 55199756) to the north.*

2. *That Common Council authorize the preparation and execution of one or more City/Developer Subdivision Agreements to ensure provision of the required work and facilities, including detailed site and drainage plans for the approval of the Chief City Engineer or his designate, and that such work and facilities include the construction of Spinnaker Drive to Cedarwood Drive through the existing Future Street (PID No. 55157549), as well as to any necessary improvements to the existing water, sanitary sewer or storm sewer systems in order to accommodate this proposed subdivision development.*
3. *That the Planning Advisory Committee grant a variance to the requirements of the Subdivision By-law that would allow a four way intersection between Commodore Drive and Spinnaker Drive when only T-intersections are permitted in residential subdivisions.*
4. *That the Planning Advisory Committee approve the new street names Commodore Drive and Spinnaker Drive.*

**CARRIED**

**GL/DG**

**Item 7: Hughes Surveys & Consultants Inc.  
11 King William Road**

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Proposal: To develop the first phase of the Petrus Holdings Inc. Subdivision consisting of a mix of one and two family dwellings, townhouses, apartments, a commercial site, Land for Public Purposes and three new public streets.

Type of Application: Subdivision

One letter with concerns was received.

Stacey Forfar advised this is a subdivision application. The property was rezoned in August 2010 and the applicant would like to proceed with the first phase which includes 21 lots.

Richard Turner of Hughes Surveys & Consultants Inc appeared before the Committee and indicated he was generally in agreement with the recommendation as contained in the staff report but requested the Committee consider two changes to the staff recommendation. The first was to consider retaining the proposed landscape island. The second was to consider including Lot 7 in Block H of the multi-unit blocks in Phase 1.



Staff responded that while they had no objection to the request to add the additional lot in Phase 1, they did have concerns with the recommendation that the median remain given the City's limited resources and the associated long term operational and maintenance costs.

Wayne McGaughey, an area land owner, spoke in favour of the application.

Mr. Turner reappeared before the Committee and responded to questions from the Committee concerning LPP lands and a rear buffer separating the subdivision from the CPR lands.

After considering the report, the presentations, the discussions and based on the reasons as outlined in the staff report the Committee resolved to amend the recommendation as follows:

*It was MOVED and SECONDED*

*1. That Common Council:*

- a. assent to one or more subdivision plans, in one or more phases, in general accordance with the submitted Petrus Holdings Inc. Tentative Plan of Subdivision, located at 11 King William Road (PID 55159719), with respect to the vesting of the proposed public streets and any required municipal services easements and public utility easements, subject to the following modifications:*
  - i. removal of the proposed landscaped median in the entranceway and the width of the proposed right-of-way reduced to 20 metres; and*
  - ii. Peerless Drive be extended to the end of Block 'L'; and*
  - iii. A one foot reserve strip be added to the north side of Lot1B in Block 'D'.*
- b. authorize the preparation and execution of one or more City/Developer Subdivision Agreements to ensure the provision of the required work and facilities, including temporary turnarounds for Melbourne Avenue and Peerless Drive and detailed engineering and drainage plans for the approval of the Chief City Engineer or his designate; and*
- c. assent to the proposed parcel, totalling approximately 613 square metres, of Land for Public Purposes (LPP), and in addition to this, have the developer provide cash-in-lieu for the balance of the required LPP land for this phase, totalling approximately 886 square metres.*

2. That the Planning Advisory Committee:

- a. approve the proposed street names of Melbourne Avenue, Peerless Drive, Alfred Street, Burnham Crescent and Giles Court, as well as the names Justin Street and Calvert Street for the proposed townhouse complex.

**CARRIED**

**ML/AM**

**“NAY” DG**

**Item 9: City of Saint John- Building By-law Amendment**

Proposal: To establish a new fee schedule for building permit applications and reviews

Type of Application: Building By-law Amendment

Ken Forrest, Commissioner Growth & Development advised both the Building By-law Amendment as well as the next item the Zoning By-law Amendment were not contained in the 2012 Operating Budget for the City of Saint John, however Common Council requested staff go back and prepare what is now known as “Plan B” Budget which involved a series of expenditure reductions, and revenue increases to net approximately \$8 million dollars in cuts to the City. Mr. Forrest indicated that the revenue increases prevent further job losses and further service reduction. While not an ideal scenario, it is necessary given the financial situation of the City.

Amy Poffenroth, Manager Buildings & Inspection Services appeared before the Committee and indicated she was in agreement with the recommendations as contained in the staff report. Ms. Poffenroth responded to questions, and heard concerns, from the Committee relating to the proposed amendment and fee changes. The Committee discussed fees relating to demolition permits, the overall intent and magnitude of the proposed fee increases, development on vacant lots and the need for applicable incentives to build on the development vision established on PlanSJ.

Specific concerns raised by the Committee members included: Cost of a Building Permit in comparison to neighbouring communities; the ongoing annual tax revenue from a new construction was not considered as a recovery to offset the building permit fees; some of the fees were proposed to increase by as much as 400%; the fee increases proposed for demolitions and for smaller Single Family renovations would place an undue burden on the private homeowners.

Ms. Poffenroth and Mr. Forrest responded that Common Council directed staff to review all the fees in an attempt to balance the 2012 budget. The fee increases are necessary to recover the cost for the services.

No other persons appeared before the committee related to the matter and no letters were received regarding the matter.

After considering the report and the reasons as outlined in the staff report and further considering the Committee's lengthy deliberation on the matter they resolved to amend the recommendation as follows:

*It was MOVED and SECONDED that Common Council adopt the attached By-law C.P. 101-2, entitled A By-law to Amend a By-law Respecting the Construction, Repair and Demolition of Buildings and Structures in The City of Saint John and that Common Council revisit the fees associated with demolition permits and renovations of single family dwellings valued between \$5,000 and \$20,000; and further the Committee recommended that Common Council examine an annual fee increase of a minimum of 2% or the annual inflation rate and strongly urged Common Council to implement incentives to encourage the types and forms of residential development envisioned in PlanSJ.*

**CARRIED**

**GL/AMcS  
"NAY" EK**

**Item 10: City of Saint John – Zoning By-law Amendment**

Proposal: To establish new application / review fees for Zoning By-law amendments, Section 39 Amendments and Zoning conformation letters

Type of Application: Zoning By-law Amendment

Ken Forrest advised that Common Council directed staff to find an additional \$50,000 in revenue from Planning & Development fees, reviewed the report and responded to questions from the Committee relating to the radius for neighbouring property owner notification, the potential for an annual fee adjustment based on inflation, and the level of staff effort involved in the processing of applications.

No one appeared before the Committee opposed to the amendment.

After considering the report and the reasons as outlined in the staff report and further based on above noted discussions the Committee resolved to a amend the recommendation as follows:

*It was MOVED and SECONDED*

*That Common Council amend the City of Saint John Zoning By-law by:*

*1. Repealing sub-paragraph 910(3)(a)(ii) and substituting the following:*

*“(ii) submit with the application a fee, payable to The City of Saint John, of \$2,500 for applications not requiring an amendment to the Municipal Plan, or \$3,500 for applications that require an amendment to the Municipal Plan;”*

*2. Repealing paragraph 910(6)(b) and substituting the following:*

*“(b) for providing a zoning confirmation letter, a fee of \$100 shall be required at the time of the request.”*

*and that Common Council consider adjusting the fees annually for inflation.*

**CARRIED**

**ML/EK**

**Item 11: Other Business**

**Rules of Order**

At the meeting of February 21, 2012, the Planning Advisory Committee requested Planning staff to develop a policy regarding attendance of Committee members. The Committee requested that the Policy cover both absences at consecutive regular meetings and cumulative absences over a set period of time.

Staff indicated they had reviewed the procedures of both Fredericton and Moncton and only Fredericton has a policy regarding this issue which is as follows:

“Where a member of P.A.C. does not attend three consecutive regular meetings of P.A.C. or four regular meetings in a twelve month period, without excuse, the Committee recommends to Council that the member be replaced.”

Discussion ensued and it was the Committee’s opinion that the above mentioned was too lenient.

After considering the report and discussions the Committee resolved to amend the recommendation as follows:

*It was MOVED and SECONDED that the Planning Advisory Committee amend the Rules of Procedure by adding the following clause:*

*XII. Attendance*

- 1. Where a member of the Advisory Committee does not attend two (for the majority of items) consecutive regular meetings of the Advisory Committee of three regular meetings in a twelve month period, without excuse, the Advisory Committee shall recommend to Council that the member be replaced.*

**CARRIED**

**MW/GL**

**Zoning By-law Review**

Mark Reade invited the Committee to an the next stage of PlanSJ – the Zoning By-law an Open House Open House scheduled for March 29<sup>th</sup> at the NB Museum from 4-8 pm.

There being no further business, the meeting adjourned at 9:43 p.m.

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Eric Falkjar  
Chairman

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Lynda Lockhart  
Recording Secretary